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MEMORIES OF EARLY WISCONSIN AND THE GOLD MINES

JOHN B. PARKINSON

The Parkinson family is of English origin. My Father's grandfather, who was a Virginian, served as a captain in the Revolutionary War. The family afterward removed to eastern Tennessee, where my Father was born in 1805. My Mother's maiden name was Valinda Barber. Her family was of Scotch-Irish origin, coming to America from the north of Ireland. Her father, James Barber, was a Cumberland Presbyterian minister. She was born in North Carolina, but removed with her parents at an early age to southern Illinois. My Father's parents removed from Tennessee to Illinois while he was still a boy, and there Mother and Father became acquainted about the year 1817.

My Father was a farmer by occupation. A relative, Colonel D. M. Parkinson, had settled in southern Wisconsin in 1827, and he induced my Father to move there in 1836. Although I was but two years old I can still remember some things about the journey. We came in a covered wagon drawn by a span of horses. At night we camped out unless, as sometimes happened, we were fortunate enough to find a place to lodge. I do not recall these incidents, but I remember our arrival at the cabin Colonel Parkinson had in readiness for us. Father tried to strike a fire with a flint and his powderhorn, but through some mischance the powder exploded, burst the horn, and cut Father's forehead. Not until many years later were friction matches used. Fires were struck with flint and a little powder, and once started, people took great pains to keep them going. Sometimes, when the fire had gone out, coals were borrowed from the nearest neighbor. I can recall, when a boy, going on such errands.

The farm on which my Father settled was near Fayette, in Lafayette County. He lived there until his death, in 1887. My Mother died in 1845, at the early age of thirty-eight. Several years later Father married Margaret McKee. Her sister was the mother of the late Bishop Bashford of the Methodist Episcopal Church, and of Judge Bashford of the Wisconsin Supreme Court. Besides myself my parents had one child who died in infancy, and my sister Margaret, two years my elder, with whom I grew up.

Colonel D. M. Parkinson came to Wisconsin in 1827, and was here during the Black Hawk War. He had three sons, Peter, Nathaniel, and William; Peter was located about two miles above the place where Father¹ settled. The log house into which we moved on coming to Wisconsin had a single room, perhaps sixteen by twenty-four feet, which served as parlor, kitchen, dining-room, bedroom, and in fact for all the needs of the family. Over it was a loft which was reached by climbing a ladder. The floor was made of puncheons—half-logs laid with the split surface up—and there was a huge fireplace. There was but one door, on the side of the cabin, and, I think, two windows. Through the door Father would roll in backlogs for the fireplace, so large that one of them would be two or three days in burning. Aside from keeping the house warm, all the family cooking was done over the fireplace by my Mother.

I attended the first school ever taught in the town, which was held in this house. Before long Father built a new house, and our removal from the old one made it possible to equip it with benches for the pupils. My first teacher was a man by the name of Trevoy, who later lived in Madison. The teachers were usually young men, generally from the East, who boarded around in the district, and whose pay was subscribed by the parents who sent children

¹Professor Parkinson's father was called "Sucker Pete" to distinguish him from his kinsman, "Badger Pete."

to the school. The pupils in this first school were not numerous, but they ranged in size from small children to grown men. One of those who went there with me, Mrs. Horace J. Woodworth of Minneapolis, recently died at an advanced age. When I was seven years old I went with my sister Margaret across the prairie about two and one-half miles to school in another log cabin. We went there the following summer and winter, also, and had the same teacher to whom we had first gone in Father's cabin. My third school was in the Bashford home, about a mile from our house. My next, which was my last before going to Beloit, was in a stone schoolhouse which had now been built in the village near our home.

I worked pretty faithfully on the farm, for a boy. It cost less to keep oxen than horses, and Father always kept them, as well as cows and horses. Some of his horses were rather fast and he was fond of a horse race. I followed the plow with a yoke of oxen from the time I was able to hold a plow. We had a large pasture, and Father used to turn the oxen out to graze with their yokes on. We had a root house in the pasture, an excavation in the hillside, which was covered with timber and sodded over. One day a yoke of oxen which had been turned out to graze disappeared. We hunted the surrounding country for ten days, and at last, quite by chance, found them in the root house. They had stepped up on it to eat the grass growing there, and the boards being too weak to support such a weight had broken through. There was a pile of old potatoes in the house, which had supplied food and moisture enough to keep them alive during the ten days they were trapped there. It used to cost nothing to keep oxen in the summertime, and they lived on straw in the winter.

Threshing at that early day was an interesting process. We had a great structure, with a center pole, and around that, making a good, big circuit, we had posts and timbers run-

ning up to the pole, and all covered with straw. Around this structure the grain was stacked. At threshing time it was thrown into the ring with the heads of the sheaves of one row laid against the butt ends of the next row. Then a good many young horses were let into the enclosure, and a young Indian boy whom Father used to hire for this work drove them around the ring. After a little time the horses would be turned out and the straw shaken up so as to let the grain already threshed fall to the bottom. Then the horses would be turned in again and the process repeated until the grain was thoroughly threshed out. The grain when threshed was raked to the center pole and a new supply was brought into the ring for threshing. The final process was to fan the grain, thus separating the clean grain from the chaff. It took a week or more to thresh in this way, and this process was followed for years. I never remember threshing grain with flails. One curious fact I recall is the natural fear the horses seemed to have for an Indian. We never could get them into the ring until the Indian boy went out.

Small grain was cut in those days with the cradle. This was skilled work, and an awkward boy could not do it well. When I went home from school for summer vacation, the next day would find me binding in the harvest field. Most of the harvesting was done by men from Illinois who would come up into Wisconsin for the harvest season, a period of several weeks. Sometimes we had half a dozen men cradling, each cradler being followed by a man binding. My Mother boarded the men, but they would sleep in the barn. My Mother never worked in the field, and I do not think women commonly did in those days. They had enough to do attending to the housework and cooking for the hired help.

You ask how farmers could make a living with the low prices of those days. The answer is that they bought little,

and the things they produced cost little aside from labor. Hogs could be raised very cheaply; they could live on acorns in summer, without any feeding. They were sold at two or three dollars a hundredweight, but corn was raised easily and it did not cost much to fatten them. My father used to send potatoes to Mineral Point by ox team—twelve miles—and sell them for twelve and a half cents a bushel. But we could then raise four hundred bushels of potatoes to the acre. Wheat usually sold for about fifty cents a bushel. My Father would haul wheat to Milwaukee, one hundred miles, with four-yoke ox teams, and bring back a load of lumber or other goods. It was fully a week's trip with one load of wheat at fifty cents a bushel—perhaps a little more at times. I think farmers were just about as happy under those conditions as they are now. It is true, they worked harder. Now men ride, instead of walking, when they plow, and machines now do many things then done by hand.

Our nearest town of any size was Mineral Point. Wiota was then a little village in the heart of the mining section. It was called Hamilton's Diggings down there. I knew William S. Hamilton, the son of Alexander Hamilton, who gave the name "Wiota" to it. I think this is an Indian name, but I do not know its meaning. Mineral Point used to be called Shake Rag. It was a mining center in those days, and it got this name from the practice at noontime of shaking a sheet or other cloth as a signal to the miners to come home to dinner.

The Black Hawk War took place but four years before we came to Wisconsin, and there were still many Indians in the southern part of the state. Our nearest neighbors when we moved into the log cabin were some Winnebago who had their wigwam in a grove belonging to us, about half a mile from the house. They had a tent of skins, with a small opening at the top and a fire built on the ground in the center. They stayed through the winter in this tent, living

chiefly by hunting. The Indian vanished from this section with the wild game. The boy whom my Father employed to drive the horses in threshing belonged to this group, and sometimes Father would get the men to work for him also. They could talk English only imperfectly, but we soon learned some of their words and we managed to understand each other pretty well. They dressed in skins mostly, but sometimes in woolen cloth. We always got along well with them, but some of the neighbors did not treat them well, and after a few years they moved on. They used to visit us often, coming frequently to sharpen their knives and hatchets on a grindstone Father had brought with him to Wisconsin. We children used to be frightened when they came on these visits and Father and the hired men were out in the field. I think Mother was frightened, too, but if so she did not show it.

The Indians were great beggars. Mother was always ready to give them something to eat, and they never stole from us. One time Mother had made a nice lot of biscuits and had put them in a cupboard, when two Indians came along and wanted something to eat. They would always take all they could get, so she handed out to them what she thought they ought to have. After they were through eating, one of them pretended he wanted a drink of water, and while at the water-pail he stole the biscuits, hiding them in his blanket. Another time a girl about the size of my sister came to the house. My sister had on some shoes which were worn out at the toes. The next day the Indian girl came back and presented her with a pair of beautiful moccasins. Mother then made a cake, and we took it over to the girl. They made much of our visit to the tent, and spread some skins on the ground for us to sit on.

When I returned home from Beloit for the spring vacation in 1852, I found Father outfitting a party to go to California. Excitement over the gold mines was running

high; in every neighborhood men were preparing to cross the plains. The party Father was outfitting was to number four men; three of these were already chosen, while the fourth remained to be found. I was urged to take the place, and after some hesitation on my part and more on my Father's, I consented, and our party was made up. It consisted of an Irishman, an Alabamian, a Buckeye, and a Badger—a curious combination, although it was but tamely illustrative of the motley hordes that were gathering across the mountains.

Father's share in the venture was to supply the outfit, for which he was to receive six hundred dollars. Two of the party had been employed by Father, and the third was a neighbor. The Irishman, Duffy, had a wife and three or four children, whom he left in Father's care during his absence. The other men were young bachelors. The Alabamian proved unfaithful to his agreement, for my father never received the one hundred and fifty dollars due from him.

Our equipment consisted of two light covered wagons and eight yoke of oxen, or, to be more exact, two yoke of oxen and two yoke of cows to each wagon. These animals ranged in age from three to six years; most of them had just been "sent under the yoke." Thus the very teams we drove afforded another illustration of the leveling tendencies of these expeditions—no distinction as to age, sex, or "previous condition of servitude."

This yoking of cows into the service was something of an experiment at that time. Besides being in greater demand at the mines, the theory was that cows, being lighter, would stand the trip better than oxen.² Our own experience tended to bear out this theory. The alkali dust, gravelly mountain roads, and desert sand were very trying on the feet. Our heavier oxen had all to be shod. The cows went through

²Cows were used by Oregon immigrants as early as 1843.—J. S.

in good condition without shoeing; the youngest, too, seemed to stand the hardships of the journey best.

The theory that prevailed in 1848-49 in regard to the weight and strength of wagons and teams that would enable them to stand the journey had been completely reversed before we went out. At first the heaviest wagons and log-chains, with provisions for a twelvemonth, were thought necessary. The result was the teams were worn out by the excessive weight they had to drag. A year or two later the needed supplies were definitely known; and everything in the outfit was made as light as possible consistent with the strength necessary to stand the wear and tear of the journey.³

We set out from home May 3, 1852, and crossing the Mississippi at Dubuque proceeded across Iowa by way of Cedar Rapids and Des Moines. The main part of our supplies—our flour, bacon, etc.—was taken from home; the remainder we laid in at Dubuque. We had expected to cross the Missouri where the Mormons had crossed on their way to Utah. But there were so many people ahead of us waiting to be ferried over the river, that we drove about fifteen miles north to another ferry, where we were able to get across the river promptly. The Missouri at this latitude was then the extreme border of civilization and settlement. There were some buildings at Council Bluffs, but not one on the present site of Omaha. Nor did we see a single permanent habitation from the time we crossed the Missouri until we reached the Sacramento, a distance of two thousand miles.

We entered Nebraska June 1, and camped for the night on the Elkhorn River, a small tributary of the Platte. Here we found a large camp of Pawnee Indians, as if to introduce us at the very start to the denizens of the wild expanse upon which we were about to enter, and to warn us to be hence-

³Cf. Burnett "Letters," *Ore. Hist. Soc. Quarterly*, III, 418.

forth literally on our guard. The warning was heeded, for not a night passed, from that time on, that a guard was not detailed to keep ward and watch over the faithful animals that were to carry us through the mountains.

Our route was along the north side of the main Platte, and continued on the same side of the North Fork of the river to its great bend near the South Pass—thus following the Platte for a distance of seven hundred and fifty miles.

Owing to the great overland rush in 1852, there was much difficulty in securing feed for the teams. Over a great part of the route there were well-marked camping places. Even at these places, however, it was often necessary to drive the stock back from camp one, two, and even three or four miles, to find suitable grazing. Advance, under such circumstances, was necessarily slow, from ten to fifteen miles a day being a good average. The chief inconvenience up the Platte, however, was a scarcity of fuel. Green willows and an occasional piece of driftwood were luxuries; for a good part of the way the sole reliance was buffalo chips. Here was a scene for an artist.—Camping ground reached—teams unyoked—and a delegation, self-appointed—five, ten, sometimes twenty men, each with a bag, hurrying out over the little low sand knobs that fringe the Upper Platte Valley, picking his way among the bristling cacti and gathering buffalo chips for the evening camp fires.

The region of the Upper Platte was the pasture ground and paradise of the buffalo at the time of which I am speaking; and yet in the brief space of forty years—thanks to the criminal recklessness of sportsmen and the negligence of the government—scarcely one was left upon our territory to tell the story of the treatment of his race.

It was only an occasional straggler from the ranks that we chanced to see along the road up the Platte—and these at a distance. The main herds kept well back from the river. But a rare treat awaited us at the great bend in the Platte

River, where, indeed, we parted company with that stream. The mountains here hug close to the river, but within the bend or angle is a rich little meadow where the herds came down at intervals to feed. We had halted here for nooning, and were in the midst of lunch when the shout of "Buffaloes!" was raised. As we looked across the river, a herd of more than a hundred full-grown fellows was seen coming slowly down the mountain toward the meadow. The Platte at this point has a swift current. But no matter; it must be crossed. A dozen men plunged into it, wading and swimming, as necessity demanded, with gun held overhead. Several shots were fired, but no game bagged. The herd when fired into made for the river, or rather for the mountain beyond. The very earth seemed to tremble beneath its feet. Not the slightest halt was made at the steep river bank, but plunging down and crossing the stream, the buffaloes made their way up the mountain and were soon out of sight.

We encamped that night a few miles out from the Platte on a sort of prairie-like undulating plateau. About daybreak next morning one of the night-guard came running into camp with the shout that buffaloes were coming right up among our cattle and that there was danger of a stampede. This at such a time and such a place was a very serious matter. A reinforcement was soon on the ground, but the buffaloes in the meantime had retired in good order.

I had a little experience of my own that morning, which I will venture to relate. I had wandered off about a mile from camp and was taking a little survey of the country and wondering whether civilization would ever reach out as far as this, when turning I saw coming around a knoll about thirty rods away, and making directly toward me, five full-grown mammoth-looking buffalo bulls. My first impulse was to make for camp. But second thought was wiser. This was a golden opportunity and must not be lost.

Turning a little to the right and filing along one after another, these great bulls came up to within seventy-five paces, when they halted, giving me a broadside exposure, but at the same time turning full upon me their long-whiskered, shaggy-browed, sand-matted faces. They were magnificent looking creatures, in comparison with which, as they stood there defiant, upon their native pastures, the wretched specimens exhibited in menageries and zoological gardens look puny enough. Drawing a bead upon the leader, fortunately for me and unfortunately for the buffalo, my rifle "missed fire." That is, it didn't "go off," and neither did the buffalo. Picking the flint, or rather, putting on another percussion cap, the buffalo ague was given time to subside, and the next time I was more successful and brought down my game. He was a monster, estimated by good judges to weigh two thousand pounds. Another was killed the same morning and, selecting the choicest parts, we feasted upon "jerked" buffalo meat from that time on. Just as we were breaking camp that morning, there came in sight about a mile away a herd of at least five hundred buffaloes—little, big, old, and young, and their bleating and bellowing could be distinctly heard at that distance. What an opportunity would this have afforded sportsmen, a few years later! The temptation to tarry even at that time was very great, but as the summer was creeping by and the trying part of our journey was still before us, we were admonished to move on if we hoped to clear the Sierras before snowfall.

Following up the valley of the Sweetwater, a small tributary of the Platte, we passed over the backbone of the continent at the South Pass in the Rocky Mountains. This is one of the easiest passes in the whole chain of these mountains. The ascent at the pass is so gradual that one hardly realizes that he is scaling a mountain at all. We had been climbing and climbing for weeks, and for no little

part of that time had been scaling smaller chains and spurs until, even at this low divide, we were nearly eight thousand feet above sea level. Here one is literally at the "parting of the waters" and through the clear atmosphere, for a distance of a hundred miles east or west, one can trace the outlines of the streams as they make their way on the one side toward the valley of the Mississippi, and on the other to the Columbia and the Colorado. The journey to the South Pass was not difficult, but from that on, it was very trying to man and beast. There for three or four hundred miles the emigrant roads, instead of following the streams as heretofore, lay across them. This meant the climbing of one mountain after another, with water scarce and feed scarcer.

Crossing Green River—the chief tributary of the Colorado—then bending around Bear River and leaving Great Salt Lake and Mormon City to the south, then passing through Thousand Spring Valley, we finally reached the headwaters of the Humboldt.

The Indians thus far had given us a wide berth. In fact we had seen very few since we left the Pawnee camp at the Missouri. Occasionally one, more curious than his fellows, would come dashing from the hills on his pony, decked out in feathers and war paint (that is, the Indian, not the pony), as if curious to know when that long procession was going to end. The Indians along the Humboldt were known to be very treacherous. Accounts of their attacks upon emigrants in other years were fresh in our minds. Hence it was customary for trains to double-up a little here in self-defense. The Humboldt is a small stream in midsummer, but is bordered along most of its course with a thick growth of willows which afforded excellent hiding places for the Indians.

About twelve o'clock one day, as our train of a dozen teams was making its way slowly down this stream, two or

three gunshots were heard in quick succession just around a bend in the road. Suspecting trouble ahead and hurrying on as rapidly as possible, we soon came in sight of two teams that had halted for their nooning, and a little way from them and making off with a wounded companion were eight or ten Indians. There were but four persons with these two teams—two men and their wives—but they were genuine backwoodsmen, women and all, and were armed with trusty rifles which they all knew how to use. It was this that made them a little reckless in their way of traveling. The Indians had crept up close to them as they sat at their lunch and had fired upon them with a shower of arrows. They had been quickly answered with rifle-shots, with the result already mentioned. Suspecting that the Indians had reinforcements close by, our teams were quickly corralled and everything made ready for defense. There were about thirty men in our company—all well armed—and perhaps one-third that number of women and children. In a short time about seventy-five Indians on ponies came in sight and rode up within a quarter of a mile of us, circling around, first in one direction and then in the other, as if carefully taking measure of our strength. This they kept up for more than an hour, and then slowly retreated to the mountains. This was the closest call to an attack by the Indians that we had upon the route. They succeeded afterward, however, in spiriting away some of our cattle—once upon the Humboldt River and again at the foot of the Sierra Nevadas.

Leaving the Humboldt about seventy-five miles above where it sinks into the sand, we followed the old Lassen Trail across the Black Rock Desert, striking the Sierras at the head of Honey Lake Valley. Honey Lake is one of several little sheets of water that nestle close to the foot of the Sierra Nevadas on the eastern side, and which were greeted by the thirsty, footsore emigrants like oases in the midst of the desert. The Nevadas by this route are not

difficult to pass, and they compensate in some measure for the weary waste behind by their wealth and majesty of forest, and by their buttes and lakelets and their thousand unique forms of nature.

We finally reached and crossed the Sacramento on the eleventh of October, having been more than five months making the distance now traversed in Pullman cars, with all the conveniences and luxuries that modern ingenuity has devised, in three or four days. To make such a journey with ox teams was trying on soul and body, but it was at that time the accepted way and was deemed by far the most certain and safe.

My experience in the mountains and mines of California was not essentially different from that of thousands of others, and I need not recite it at length. I spent three years in the northern mines—the first winter near Shasta City, or Reddings Springs, the next summer at the newly-discovered mines on the Pitt River, the chief branch of the Sacramento, and the remainder of the time in the Siskiyou-Klamath region, near Mt. Shasta, and close by the great Lava Beds, afterward made famous by the desperate stand of Captain Jack and his Modoc bands. The winter of 1852-53 was long remembered by Californians on account of its immense snowfall in the mountains, and its rains and devastating floods in the valleys. The Sacramento reached out to the very foothills, and moved with a current that carried everything before it. The capital city was under water. The flocks and herds from the ranches fled to the hills when possible, but thousands were swept away by the floods. Just one-half of the faithful animals which our own little company had so carefully guarded across the plains was buried in this sea of waters. All communication with the upper mines was cut off. Prices knew no bounds. Flour rose to two, three, even five dollars a pound, and soon none could be had at any price. Salt was sixteen dollars a pound,

potatoes twenty-five cents apiece—with little regard to size—and other things in proportion. The truth is, men gave freely as long as they had anything to give, and then submitted as gracefully as possible to the situation. I have a very distinct recollection of paying as high as a dollar a pound for flour, but being practically a penniless “pilgrim” (all newly-arrived immigrants were then called “pilgrims”) I soon ceased to be a purchaser and settled down to more modest rations—baked beans.

Pack-trains, attempting to cross the mountains, were blocked by the snows and in some cases were compelled to winter on the spot, subsisting upon their animals until the snows melted. I remember passing one of these desolate camping grounds, high up on the Trinity Mountains, on the Fourth of July, 1853. It was a dreary spot. The drifts were not even yet melted away. A rude hut had been constructed out of the scrubby pines that grew even at that height, and the bleaching bones of the pack-mules lay scattered about it, telling a story of hunger and suffering better than words could do.

Mining on one's own account, whether for gold or for silver or what not, is largely a game of chance. As such, it has a sort of charm for most men who enter upon it, which it is difficult to break. Mining for gold has a peculiar fascination. It is like seeking at first hand that which in other industries comes through exchange, or it may be a series of exchanges. Here we go straight to the treasure vaults. “Gold-dust” is money with the miner, and among the “Argonauts” of '49 and the fifties always passed current with the merchant. Money, at best, is only a means to an end, but how many fully realize it? The notion that it is something more—that it is an end in itself—is one of the most difficult to eradicate.

The certainty of reward and the feeling that what one earns is his own has a magical effect not only upon his dispo-

sition to work, but even upon his powers of endurance. Nothing illustrates this better than the cleaning up of the "bedrock" of a rich placer claim, where the clear water, as it carries the sand and gravel down through "sluice-box" and "long-tom," reveals in the bright yellow metal that lags behind the exact contribution of every shovelful handled. There is no "striking" here, nor eight-hour law demanded. Men, under such circumstances, will work knee-deep in water and forget they are working at all. To many cheerful, impetuous, even intelligent men, the very ups and downs of mining life are full of fascination. If not always blest, they are always "to be blest." Anything to such men is better than dull monotony—even though it be the monotony of success.

Very many of the earlier "Argonauts" were naturally roving, restless spirits. Many more were made so by their environment. It is not in average human nature to see others run and hurrah, and not be tempted to join in the procession. The most extravagant stories were continually set afloat. Men were rushing pell-mell to "Gold Bluff," "Nugget Gulch," and "Lucky Canyon," and a hundred other as loudly trumpeted regions. They searched ridge and ravine southward to the desert sands, and northward to the barren lava beds. They explored the most difficult recesses of the Coast Range. The result of all this was a vast amount of territory soon imperfectly prospected, and a vast number of men kept financially "dead broke," while growing wealthy in experience.

In the beginning the mines put all men practically on a level. Social distinctions were swept out of sight. Letters of introduction counted for little—family connections, manners, money, clothes, for less. The whole community seemed to be given an even start. Every stranger found a welcome and was bidden to stake off his claim and go to work. The veriest greenhorn was as likely to "strike it rich"

as the wisest professor of geology; and the best claim on the gulch might give out without a moment's warning. No one who was willing to help himself was allowed to suffer or to go without the means to make a start.

There is said to have been a short time in California, immediately following the discovery of gold, when crime in the mines was almost absolutely unknown—when bags of “gold-dust” were left unguarded in tents and cabins while the owners were at work on their claims. This state of things was partly due to the rich surface deposits which were then rapidly discovered and to the consequent feeling that the supply was practically inexhaustible. It was easier to earn money than to steal it, and infinitely safer too. Miners at that time pitched their tents close together in clumps of chaparral and manzanita. The bonds of fellowship were strong and sincere. Leeches and parasites had not yet fastened upon the community. The wretch who could steal from his comrades in those busy, friendly camps was hopelessly hardened. An old pioneer speaking of these very early mining days once said: “In 1848 a man could go into a miner's cabin, cut a slice of bacon, cook a meal, roll up in a blanket and go to sleep, certain to be welcomed kindly when the owner returned.” This Arcadian era lasted much longer, too, in the Northern mines, where the American element more largely predominated. When disturbances and conflicts did set in, their coming was often attributed to the influence of the lawyers. “We needed no law,” many an old miner would say, “until the lawyers came”—a curious but very common confusion of ideas. As a matter of fact, there were plenty of lawyers all the time working as quiet citizens in the gulches, only waiting until there was a demand for their services. They made themselves known when wanted. Nine-tenths of the crimes and misdemeanors that appear on the docket of an ordinary criminal court were impossible in the mining camp, and a larger propor-

tion of the ordinary civil cases were equally out of the question. The best of lawyers would have starved in such a community. But there was "law" from the beginning, and for the time and place it was the only serviceable kind. It was unwritten, simple, and went straight to the mark. And there was a court to enforce it—an assembly of freemen in open council. All who swung a pick or held a claim—boys of sixteen and men of sixty—took part in its deliberations. No more perfect democracies ever existed than these early mining camps. They had government, but its three departments were fused into one, and that one was administered directly by the people.

One of the best illustrations of the gold-miner's method of settling serious disputes occurred on Scotch Bar—a mining camp neighboring to my own, in northern California. A discovery of some very "rich gravel" or mining ground was made on this Bar, and in such a way that two equally strong parties of prospectors laid claim to it at the same time. Each group was entirely honest in believing its own claim the better one. The contestants at once began to increase their fighting numbers by enlistments from the rest of the camp, until twenty or thirty men were sworn in on each side. The ground in dispute was so situated that it was best worked in partnership, and thirty claims of the ordinary size took up all the territory in dispute. So here were two rival and resolute companies ready to begin work, and no law whatever to prevent a pitched battle.

It began to look very much like fighting. Men were asked to take sides and bring their bowies, revolvers, and shotguns. The two opposing parties took up their stations on the banks of the gulch. There was some further and very excited talk, and at last eight or ten shots were interchanged, fortunately injuring no one. By this time the blood of the contestants was fairly roused. The interests at stake were very large, and neither side proposed to yield. It now

seemed that nothing could prevent a terrible hand-to-hand conflict. The next minute must precipitate it. But just at this crisis another power asserted itself—that which in every mining camp, and indeed in every pioneer Anglo-Saxon community, makes so forcibly for law and order. The very moment the first shot was fired, the camp, the neighborhood, the little community at large had taken the field. Dozens, hundreds of men who, five minutes before, were mere spectators of the difficulty, now insisted upon a parley, negotiated a truce, and urged a resort to legal methods.

The moment this compromise was suggested, the combatants laid aside their weapons. They knew there was no legal authority within twenty miles, and no force, even in the camp itself, able to keep them from fighting. It was a victory of common sense—a triumph of the moral principles learned in boyhood in New England villages and on Western prairies. Men more thoroughly fearless never faced opposing weapons. But the demand for a fair trial in open court found an answering chord in every bosom. Both parties willingly agreed to arbitration, but not to the ordinary arbitration of the miners' court. The matter in dispute seemed too serious. They chose a committee, sent it to San Francisco, had three or four of the best lawyers to be found there engaged for each party, and also engaged a judge of much experience in mining cases. It was a great day at Scotch Bar when all this legal talent arrived. The claims in dispute had meanwhile been lying untouched by anyone, guarded by camp opinion and by sacred pledges of honor, ever since the day of the compact between the rival companies.

The case was tried with all possible formality, and as scrupulously as if it had occurred within the civil jurisdiction of a district court. With a simple sense of fairness it had been agreed by the parties that the winners should pay all

costs. When the verdict came, there was no compromise about it. It was squarely for one side and squarely against the other. The defeated party accepted it without a murmur. Neither then nor at any other time were they ever heard to complain.

An eyewitness, speaking of this celebrated trial, said: "The whole camp was excited over it for days and weeks. At last when the case was decided, the claim was opened by the successful party; and when they reached the bedrock and were ready to 'clean up,' we all knocked off work and came down and stood on the banks, till the ravine on both sides was lined with men. And I saw them take out gold with iron spoons and fill pans with solid gold, thousands upon thousands of dollars." On the banks of the river, with the hundreds of spectators, stood the defeated contestants, cheerful and even smiling.

In the early period, mining interests took precedence of agricultural in the entire gold-field. Law was made by the miners for the miners. Even the state courts at an early date decided that "agricultural lands though in the possession of others, may be worked for gold"—that "all persons who settle for agricultural purposes upon any mining lands, so settle at their own risk." The finest orchards and finest gardens were liable to be destroyed without remedy. Roads were washed away, houses were undermined, towns were moved to new sites, and sometimes the entire soil on which they had stood was sluiced away from grass roots to bedrock.

Down in Grass Valley, one of the rich placer regions, two men fenced in a natural meadow. They expected to cut at least two crops of hay annually, worth one hundred dollars a ton. But before a month had passed, a prospector climbed their brush fence, sunk a shaft, struck "pay gravel," and in less than twenty-four hours the whole hay ranch was staked off in claims of fifty feet square, and the ravaged

proprietors never got a claim. Once grant that the highest use of the land was to yield gold, and all the rest follows.

But exceptions were sometimes as arbitrarily made and summarily enforced as the rule itself. In 1851 two miners began to sink a shaft on Main Street, in the business center of Nevada City. A sturdy merchant made complaint, but was promptly answered that there was no law to prevent anyone from digging down to "bedrock" and drifting under the street, and they proposed to try it. "Then I'll make a law to suit the case," said the merchant, himself an old ex-miner, and stepping into his store, he came out with a navy revolver and made the law and enforced it upon the spot, establishing the precedent that Main Street, at least in that city, was not mining ground.

The members of our party did not stick together after reaching the mines, although I was with Eaton much of the time. We found some gold, but none of us struck it rich. I had always looked forward to returning to Wisconsin and going on with my college course. I decided to do so when I received a letter from my grandfather telling me about one my family had received from Professor Emerson. In it he stated that my standing as a preparatory student at Beloit had been excellent, and lamented that I had sacrificed my prospects for a career, to become a gold miner.

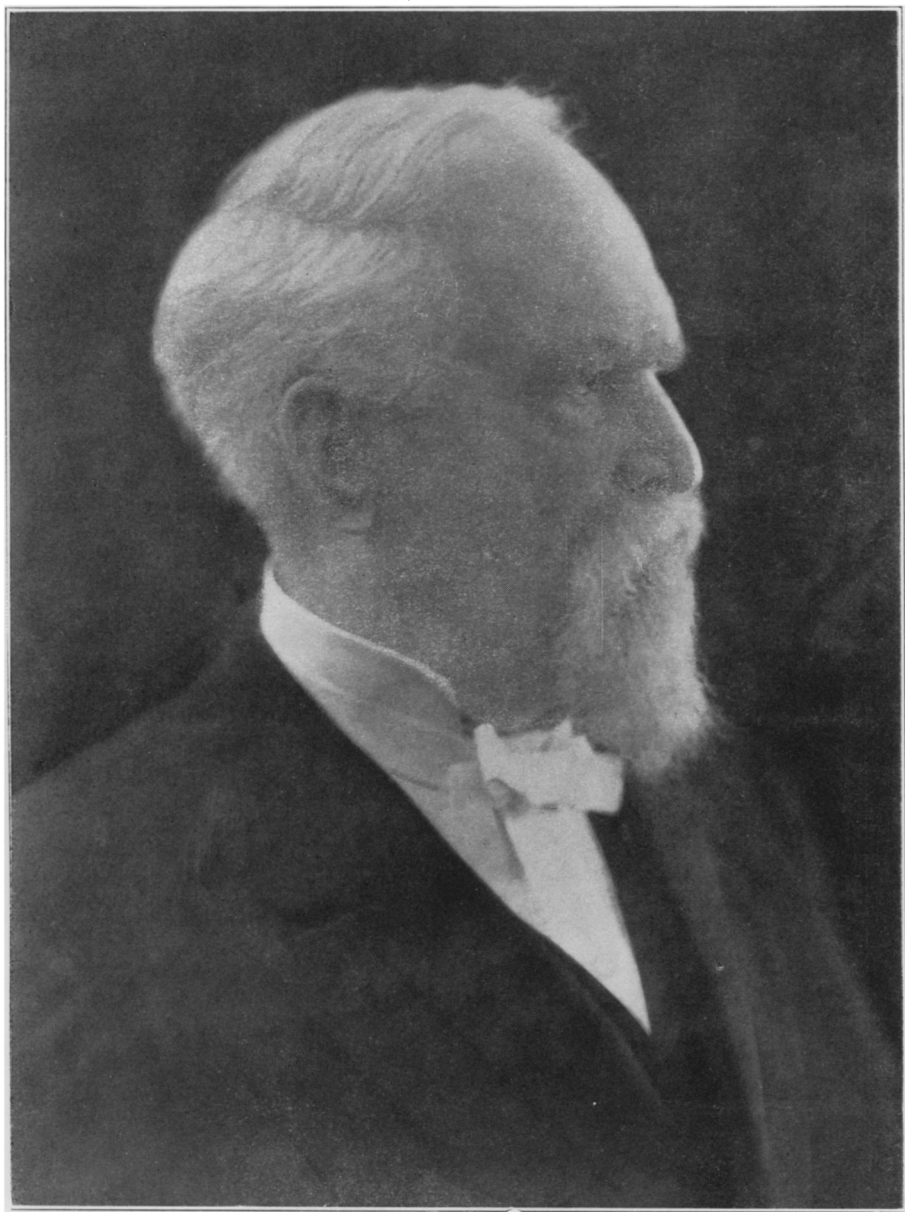
I had had enough of crossing the plains and concluded to return home by the Nicaragua route. A group of miners were on the point of setting out for home, and I joined company with them. One of the group was a young man from Toledo, and with him I traveled the entire way. The first stage of our journey was made in a little democrat wagon, in which we crossed the mountains to Shasta City. At a place where we stopped for lunch, while descending the mountain, we came upon a posse of mounted men who were taking a murderer to Shasta City. We traveled along with them, and the next day were met by some officers

coming out to take the criminal into custody. He was lodged in jail, but I never learned what was afterward done with him.

From Shasta City we traveled by stagecoach and (later) by boat down the Sacramento River to San Francisco. Here we stayed over night; the next morning we embarked on the steamer, *Uncle Sam*, passed out through the Golden Gate, and began our voyage down the Pacific. Our company consisted almost wholly of miners returning, like myself, to the States. One incident of this stage of the journey I still recall vividly. While passing down the coast of Mexico, close in shore, another steamer came up from behind us, and the two vessels indulged in a furious race. There was great danger of our running upon some one of the many rocks which abounded in the vicinity; the incident frightened me more than anything I had encountered during my entire three years in the mines.

We landed at Juan del Seur, and crossed the Isthmus over the route which was long advocated for the inter-oceanic canal. From Juan del Seur a journey of about twelve miles over a low mountain range to Lake Nicaragua lay before us, and the transportation company offered us the choice of making this trip on horseback or in democrat wagons. I chose the latter, and set out with four other travelers and a native driver. Before we had gone far such a furious rainstorm as I had never witnessed before overtook us; night fell, and from time to time the passengers were compelled to walk ahead of the wagon to search out the road. At length we reached Lake Nicaragua; here we found but poor accommodations and spent the night on the floor. In the morning we took a little steamer across the lake, a distance of ninety miles. Then we entered the San Juan River. In descending it we had to leave the boat several times to pass around rapids, taking another vessel on the other side of them. The country was then perfectly wild;

parrots and monkeys were numerous on the banks of the stream, and to me it proved an interesting journey. At Greytown on the Atlantic, where we stayed all night, marks of the American bombardment the year before were still plentiful. Here we took passage on a steamer for New York where we arrived without special incident. At New York I stopped only long enough to exchange my gold (which I had carried in a belt) for coined money, and then set out by rail for the West. This was my first experience with railroad travel. From Chicago I took a train for Freeport, then the terminus of the Galena and Chicago Union, Chicago's first railroad. From Freeport to Fayette I traveled by stage-coach. It had taken me five months and eight days to cross the plains to California, and three weeks to return. Fifty years later I took the trip by rail, with my wife and daughter, in four days.



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